

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

HENDRIK BLOCK,

Plaintiff,

v.

ESKANDAR T. ALZAMAMI, individually
and dba FATBOY MARKET, et al.,

Defendant.

No. 1:23-cv-0061 JLT SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING IN
PART PLAINTIFF’S MOTION FOR
DEFAULT JUDGMENT, AND DIRECTING
THE CLERK OF COURT TO CLOSE THIS
CASE

(Docs. 14, 18)

Hendrik Block seeks default judgment against Defendants—including Eskandar T. Alzamzami, individually and dba Fatboy Market, and Nahla Mohammed Muharramt—for violating Title III of the Americans with Disabilities Act. (Doc. 18.) The magistrate judge found default judgment was appropriate for Plaintiff’s claim arising under the ADA, and recommended the requested injunctive relief be granted. (Doc. 19 at 3-6, 11-12.) In addition, the magistrate judge found an award of fees and costs was appropriate, and recommended Plaintiff be awarded attorneys’ fees in the modified amount of \$1,750.00 and litigation costs in the amount of \$788.15, for a total award of \$2,538.15. (*Id.* at 9-12.)

The Court served the Findings and Recommendations on Plaintiff on February 16, 2024; and Plaintiff served Defendant by mail on the same date. (Doc. 20 at 1.) The Court informed the parties that any objections were due within 14 days of the date of service. (Doc. 19 at 12.) In addition, the Court advised the parties that the “failure to file objections within the specified time

1 may waive the right to appeal the district judge's order." (*Id.*, citing *Wilkerson v. Wheeler*, 772
2 F.3d 834, 838-39 (9th Cir. 2014).) Neither party filed objections, and the time to do so expired.

3 According to 28 U.S.C. § 636(b)(1)(c), this Court performed a *de novo* review of the
4 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
5 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on February 16, 2024 (Doc. 19) are
7 **ADOPTED** in full.
- 8 2. Plaintiff's motion for default judgment is **GRANTED**.
- 9 3. Defendant is found and declared to be in violation of Title III of the Americans
10 with Disabilities Act.
- 11 4. Judgment **SHALL** be entered in favor of Plaintiff Hendrik Block and against
12 Defendants Eskandar T. Alzamzami, individually and dba Fatboy Market, and
13 Nahla Mohammed Muharram, jointly and severally.
- 14 5. Plaintiff's request for fees, costs, and litigation expenses is **GRANTED IN PART**,
15 in the modified amount of \$2,538.15.
- 16 6. Plaintiff's request for injunctive relief is **GRANTED**.
- 17 7. Defendants are **ORDERED** to make the following modifications to the facility
18 known Fatboy Market, located at 1408 North Cedar Avenue, Fresno, California
19 93703, such that each item is brought into compliance with the accessibility
20 requirements of the Americans with Disabilities Act and California Code of
21 Regulations, Title 24, as follows:
 - 22 a. Provide a properly configured, located, and identified accessible parking stall
23 with adjacent access aisle.
 - 24 b. Repair damaged flooring to eliminate excessive changes in level from the
25 required maneuvering clearances at the Facility entrance.
 - 26 c. Provide a properly configured accessible transaction counter.

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8. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **March 12, 2024**


UNITED STATES DISTRICT JUDGE